

# IDNR Certification of Approval for Construction in a Floodway

- + Permit Application
- + Joint Permit Application
- + Public Notice
- + Application Information Packet

**IDNR CERTIFICATION OF APPROVAL FOR  
CONSTRUCTION IN A FLOODWAY**

**Exhibit 9-4C**

## EXHIBIT 3

### IDNR Certification of Approval for Construction in a Floodway

- + Permit Application
- + Joint Permit Application
- + Public Notice
- + Application Information Packet

# PERMIT APPLICATION

State Form 42946 (R2/3-98)

Approved by the State Board of Accounts

Mail To: Division of Water  
 Department of Natural Resources  
 402 West Washington Street, Room W264  
 Indianapolis, Indiana 46204-2748  
 Telephone Number: (317) 233-5635  
 Fax Number: (317) 233-4579

## AGENCY USE ONLY

Application # _____	Section Coordinates _____	UTM North _____	UTM East _____
30 Day Notice _____	Fee Submitted \$ _____	Check # _____	Receipt # _____

Based on the "INSTRUCTIONS", I am submitting this application to perform work under:

- |   |  |
|---|--|
| <input type="checkbox"/> IC 14-26-2 Lake Preservation Act             | <input type="checkbox"/> IC 14-29-1 Navigable Waterways Act      |
| <input type="checkbox"/> IC 14-26-5 Lowering of the Ten Acre Lake Act | <input type="checkbox"/> IC 14-29-3 Sand and Gravel Permits Act  |
| <input type="checkbox"/> IC 14-28-1 Flood Control Act                 | <input type="checkbox"/> IC 14-29-4 Construction of Channels Act |

PLEASE TYPE OR PRINT

## 1. APPLICANT INFORMATION

Name of Applicant \_\_\_\_\_ Name of Contact Person \_\_\_\_\_

Mailing Address \_\_\_\_\_  
 (Street, P.O. Box or Rural Route)

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Daytime Telephone Number (\_\_\_\_) \_\_\_\_\_ Fax Number (\_\_\_\_) \_\_\_\_\_

## 2. AGENT INFORMATION

Name of Authorized Agent \_\_\_\_\_ Name of Contact Person \_\_\_\_\_

Mailing Address \_\_\_\_\_  
 (Street, P.O. Box or Rural Route)

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Daytime Telephone Number (\_\_\_\_) \_\_\_\_\_ Fax Number (\_\_\_\_) \_\_\_\_\_

## 3. PROPERTY OWNER INFORMATION

Name of Property Owner \_\_\_\_\_ Name of Contact Person \_\_\_\_\_

Mailing Address \_\_\_\_\_  
 (Street, P.O. Box or Rural Route)

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Daytime Telephone Number (\_\_\_\_) \_\_\_\_\_ Fax Number (\_\_\_\_) \_\_\_\_\_

Relationship of applicant to property: ☐ Owner ☐ Purchaser ☐ Lessee Other \_\_\_\_\_

Form N-4

**4. AFFIRMATION OF PERSONAL SERVICE, 1ST CLASS MAIL SERVICE, OR CERTIFIED MAIL SERVICE**

I have provided public notice to the listed property owners in conformance with the provisions of IC 14-11-4 and 312 IAC 2-3-3 through the method indicated below.

(Check the appropriate Box - Please make copies of this blank page if additional pages are required)

<p>Property Owner (if not applicant or adjacent landowner)</p> <p>Address</p> <p>City State Zip Code</p>	<p><input type="checkbox"/> Personal Service was provided on : _____ (date)</p> <p><input type="checkbox"/> 1st Class Mail Service was provided on: _____ (date) I affirm that 21 days have passed without the mailing returned as undelivered or undeliverable. PS Form 3817 is attached as proof of mailing.</p> <p><input type="checkbox"/> Certified Mail service was provided on: _____ (date) PS Form 3811 (green card) is attached as proof of mailing.</p>
<p>Adjacent Landowner:</p> <p>Address</p> <p>City State Zip Code</p>	<p><input type="checkbox"/> Personal Service was provided on : _____ (date)</p> <p><input type="checkbox"/> 1st Class Mail Service was provided on: _____ (date) I affirm that 21 days have passed without the mailing returned as undelivered or undeliverable. PS Form 3817 is attached as proof of mailing.</p> <p><input type="checkbox"/> Certified Mail service was provided on: _____ (date) PS Form 3811 (green card) is attached as proof of mailing.</p>
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<p>Adjacent Landowner:</p> <p>Address</p> <p>City State Zip Code</p>	<p><input type="checkbox"/> Personal Service was provided on : _____ (date)</p> <p><input type="checkbox"/> 1st Class Mail Service was provided on: _____ (date) I affirm that 21 days have passed without the mailing returned as undelivered or undeliverable. PS Form 3817 is attached as proof of mailing.</p> <p><input type="checkbox"/> Certified Mail service was provided on: _____ (date) PS Form 3811 (green card) is attached as proof of mailing.</p>

5.

**PROJECT DESCRIPTION****5.1 Description Narrative: (See Application Information Packet)**

6.

**PROJECT LOCATION****6-1 Location Narrative: (See Application Information Packet)****Stream/Lake Name:****6-2 Driving Directions: (See Application Information Packet)****6-3 Special Information: (See Application Information Packet)****6-4 Project Location Map: (See Application Information Packet)****6-5 Project Site Map: (See Application Information Packet)**

**7. DISTURBED AREA DRAWING****7.1 Drawing Requirements: (See Application Information Packet)****8. PROJECT PHOTOGRAPHS****8-1 Images: (See Application Information Packet)****8-2 Photo Orientation Map: (See Application Information Packet)****8-3 Photo Documentation: (See Application Information Packet)****9. RELATED PROJECT INFORMATION****Department of Natural Resources**

Administrative Cause #	Related Application(s) #
Early Coordination #	Utility Exemption #
Recommendation #	Violation #

**Department of Environmental Management**

Section 401 #

**Corps of Engineers**

Public Notice #	Section 10 Application #
Section 404 Application #	

**10. STATEMENT OF AFFIRMATION**

I hereby swear or affirm, under the penalties for perjury, that the information submitted herewith is to the best of my knowledge and belief, true, accurate and complete, and that the property owner (s), and adjoining landowners have been notified of the activity in conformance with the provisions of 312 IAC 2-3-3. I further certify that I possess the authority to undertake the proposed or completed activities. I hereby grant to the Department of Natural Resources, the right to enter the above-described location to inspect the proposed or completed work.

Signature of Applicant or Authorized Agent (REQUIRED)

Date

**11. REGULATORY FEES****11-1 Regulatory Fees Submitted: (See Application Information Packet)****11-3 Payment Method: (See Application Information Packet)****REQUIREMENT FOR ADDITIONAL INFORMATION AND PERMITS**

Application made to and approval granted by the Department of Natural Resources does not in any way relieve the applicant of the necessity of securing easements or other property rights, permits and approvals from affected property owners and other local, state, and federal agencies.

**STATE OF INDIANA  
DEPARTMENT OF NATURAL RESOURCES**

**JOINT PERMIT APPLICATION FOR CONSTRUCTION WITHIN A FLOODWAY OF A  
STREAM OR RIVER; NAVIGABLE WATERWAY; PUBLIC FRESH WATER LAKE; AND  
DITCH RECONSTRUCTION**

**\*\*\* INSTRUCTIONS \*\*\***

This joint application can be used to apply for: (1) alteration of the bed or shoreline of a public freshwater lake; (2) construction or reconstruction of any ditch or drain having a bottom depth lower than the normal water level of a freshwater lake of 10 acres or more and within 1/2 mile of the lake; (3) construction within the floodway of any river or stream; (4) placing, filling, or erecting a permanent structure in; water withdrawal from; or material extraction from; a navigable waterway; (5) extraction of mineral resources from or under the bed of a navigable waterway; and (6) construction of an access channel. **You must submit readable copy of the completed application form together with items stated in the "Application Checklist" (attached).**

Use the following checklist to determine which permit(s) to apply for. If you have trouble deciding which permit(s) you need, please contact the Permit Administration Section at (317) 233-5635.

Your project may require one or more of the following permits. **IF YOU CHECK ANY BOX UNDER A PERMIT TITLE, THEN YOU MUST APPLY FOR THAT PERMIT.**

- ☐ IC 14-26-2: **Lake Preservation Act** states that no person may change the level of the water or shoreline of a public freshwater lake by excavating, filling in, or otherwise causing a change in the area or depth or affecting the natural resources scenic beauty or contour of the lake below the waterline or shoreline, without first securing the written approval of the Department of Natural Resources. A written permit from the Department is also required for construction of marinas; new seawall; seawall refacing; underwater beaches; boatwells; boat well fills; fish attractors; and any permanent structures within the waterline or shoreline of a public freshwater lake. The Act further states that **each permit application must be accompanied by a non-refundable \$25 fee.**
  
- ☐ IC 14-26-5: **Lowering of the Ten Acre Lake Act** also known as the "**Ditch**" Act states that no person may order or recommend the location, establishment, construction, reconstruction, repair, or recleaning any ditch or drain having a bottom depth lower than the normal water level of a freshwater lake of 10 acres or more and within 1/2 mile of the lake without first securing the written approval of the Department of Natural Resources. The Act further states that **each permit application must be accompanied by a non-refundable \$25 fee.**
  
- ☐ IC 14-28-1: **Flood Control Act** requires that any person proposing to construct a structure, place fill, or excavate material within the floodway of any river or stream must obtain the written approval of the Department of Natural Resources prior to initiating the activity. The Act further states that **each permit application must be accompanied by a non-refundable \$50 fee.**
  
- ☐ IC 14-29-1: **Navigable Waterways Act** requires that prior written approval be obtained from the Department of Natural Resources for placing, filling, or erecting a permanent structure in; water withdrawal from; or mineral extraction from; a navigable waterway or Lake Michigan. **No Fee**
  
- ☐ IC 14-29-3: **Sand and Gravel Permits Act** requires that prior written approval be obtained from the Department of Natural Resources for removal of sand, gravel, stone, or other mineral or substance from or under the bed of a navigable waterway. The Act further states that **each permit application must be accompanied by a non-refundable \$50 fee.**
  
- ☐ IC 14-29-4: **Construction of Channels Act** requires that prior written approval of the Department of Natural Resources be obtained for construction of an artificial; or the improved channel of a natural watercourse; connecting to any river or stream for the purpose of providing access by boat or otherwise to public or private industrial, commercial, housing, recreational, or other facilities. **Each permit application must be accompanied by a non-refundable \$100 fee.**

## Public Notice

Adjacent Property Owner's Name  
Address  
City, State, Zip Code

Date \_\_\_\_\_

Indiana Code 14-11-4 was enacted to ensure that adjacent property owners are notified of permit applications and provided with an opportunity to present their views to the Department of Natural Resources prior to action.

Under the legislation, the applicant or agent is responsible for providing notice to the owner of the real property owned by a person, other than the applicant, which is both of the following: 1.) located within one-fourth (1/4) mile of the site where the licensed activity would take place, and 2.) has a border or point in common with the exterior boundary of the property where the licensed activity would take place. Included is property which would share a common border if not for the separation caused by a roadway, stream, channel, right-of-way, easement, or railroad.

Due to your proximity to the project site, you are considered to be an adjacent property owner; therefore, notice is being provided in conformance with the provisions of IC 14-11-4 and 312 IAC 2-3.

Applicant's Name, Address, and Telephone

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Agent's Name, Address, and Telephone

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Stream or Lake Name \_\_\_\_\_

Project Description and Location \_\_\_\_\_

Check relevant Statute or Rule:

- ☐ Flood Control Act, IC 14-28-1
- ☐ Lake Preservation Act, IC 14-26-2
- ☐ "Ditch Act", IC 14-26-5
- ☐ Channels Act, IC 14-29-4
- ☐ Removal of Sands or Gravel, IC 14-29-3

Questions relating to the project should be directed to:

Applicant (or Agent) Name  
Mailing Address  
City, State, Zip Code  
Telephone Number

You may request an informal public hearing, pre-AOPA (Administrative Orders and Procedures Act) hearing, on this application by filing a petition with the Division of Water. The petition must conform to administrative rule 312 IAC 2-3-4 as follows:

- (a) This section establishes the requirements for a petition to request a public hearing under IC 14-11-4-8(a)(2).
- (b) The petition shall include the signatures of at least twenty-five (25) individuals who are at least eighteen (18) years of age and who reside in the county where the licensed activity would take place or who own real property within one (1) mile of the site of the proposed or existing licensed activity.
- (c) The complete mailing addresses of the petitioners shall be typed or printed legibly on the petition.



- (d) Each individual who signs the petition shall affirm that the individual qualifies under subsection (b).
- (e) The petition shall identify the application for which a public hearing is sought, either by division docket number (application number) or by the name of the applicant and the location of the project.

A pre-AOPA public hearing on the application will be limited to the Department's authority under the permitting statutes. Only the issues relevant to the Department's jurisdiction directly related to this application for construction will be addressed. Under permitting statutes, the Department has no authority in zoning, local drainage, burning, traffic safety, etc.; therefore, topics beyond the Department's jurisdiction will not be discussed during the public hearing.

The Department's jurisdiction under the Flood Control Act is confined to the floodway of the stream and its review limited to the following criteria.

To be approvable a project must demonstrate that it will:

- (a) not adversely affect the efficiency or unduly restrict the capacity of the floodway; defined as, the project will not result in an increase in flood stages of more than 0.14 feet above the base 100-year regulatory flood elevation.
- (b) not constitute an unreasonable hazard to the safety of life or property; defined as, the project will not result in either of the following during the regulatory flood: (1) the loss of human life, (2) damage to public or private property to which the applicant has neither ownership nor a flood easement;
- (c) not result in unreasonably detrimental effects upon fish, wildlife or botanical resources.

Additionally, the Department must consider the cumulative effects of the above items.

The Department's jurisdiction under the Lakes Preservation Act is confined to the area at or lakeward of the shoreline of the lake and any impact which the project may have on:

- (a) the natural resources and/or scenic beauty of the lake;
- (b) the water level or contour of the lake below the waterline;
- (c) fish, wildlife or botanical resources.

Additionally, the department must consider the cumulative effects of the above items.

A request for a pre-AOPA public hearing or notice of initial determination should be addresses to:

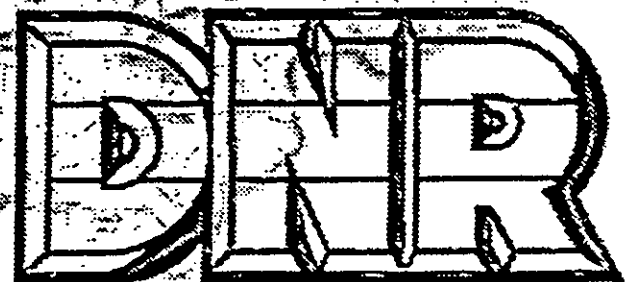
Permit Administration Section  
Division of Water  
Department of Natural Resources  
402 West Washington Street, Room W264  
Indianapolis, Indiana 46204-2748  
Telephone: (317) 233-5635

You may also request that the Department notify you in writing when an initial determination is made to issue or deny the permit. Following the receipt of the approval or denial notice, you may request administrative review of the determination by the Natural Resources Commission under IC 4-21.5 and 312 IAC 2-3.

# APPLICATION

# INFORMATION

# FOR OBTAINING



INDIANA DEPARTMENT OF  
NATURAL RESOURCES

"Application  
Information  
Packet"

Includes:

An application for  
construction activity along  
Waterways, Lake Michigan,  
Lakes, and Ditches.

# **1 Applicant Information:**

Provide sufficient applicant information to allow Department staff to contact the applicant by telephone, FAX, or mail. Include the following items:

## **1-1 Name and Address:**

- A. Provide the name and complete mailing address of the applicant.
  - 1. If there are multiple applicants, provide the name and address of the applicant serving as the contact person on the application form and the names and addresses of the additional applicants on a separate page.
  - 2. If the applicant is a governmental unit or a business interest, provide the unit's or business' name and address and the name of a contact person on the application form.
- B. If the applicant(s) own the property on which the project will be or has been constructed, the name(s) should be provided as they appear on the property deed or title.
- C. If the applicant(s) do not own the property on which the project will be or has been constructed, provide the name(s) of the property owner(s) in the "Property Owner Information" section of the application form.

## **1-2 Daytime Telephone Number:**

- A. Provide the applicant's or contact person's daytime telephone number. Include the area code and applicable extension.

## **1-3 FAX Number - If Available:**

- A. Provide the applicant's or contact person's FAX number. Include the area code and applicable extension.

## **1-4 Example Applicant Information:**

- A. Single Applicant - Applicant shown on the application form
  - 1. Application Form    Mr. John R. Anderson                      Phone (317) 555-1212  
                                  165 South Beechwood Drive  
                                  Greenwood, Indiana 46142
- B. Multiple Applicants - Applicants shown on the application form
  - 1. Application Form    Mr. and Mrs. Paul E. Stevens                      Phone (219) 555-1212  
                                  8973 Lake View Terrace  
                                  Wolcottville, Indiana 46795
- C. Multiple Applicants - Contact person shown on the application form with the additional applicants shown on a separate page
  - 1. Application Form    Mr. Michael A. Smith (contact person)                      Phone (812) 555-1212  
                                  R.R. 1, Box 359    FAX (812) 555-1212  
                                  Petersburg, Indiana 47567

## 2 Agent Information - If Applicable:

If applicable, provide sufficient agent information to allow Department staff to contact the agent by telephone, FAX, or mail. Include the following items:

### 2-1 Name and Address:

A. Provide the name and complete mailing address of the agent.

1. If there are multiple agents, provide the name and address of the agent serving as the contact agent on the application form and the names and addresses of the additional agents and their areas of responsibility on a separate page.

### 2-2 Daytime Telephone Number:

A. Provide the agent's daytime telephone number. Include the area code and applicable extension.

### 2-3 FAX Number - If Available:

A. Provide the agent's FAX number. Include the area code and applicable extension.

### 2-4 Example Agent Information:

A. Single Agent - Agent shown on the application form

1. Application Form	Site Planning Associates, Ltd. % Mr. Paul A. Johnson, PE Grand View Office Park Suite 745 8935 Louis Boulevard Indianapolis, Indiana 46204	Phone (317) 555-1212 FAX (317) 555-1212
---------------------	---	--

B. Multiple Agents - Contact agent shown on the application form with the additional agent(s) and responsibilities shown on a separate page

1. Application Form	Motley, Smith and Anderson Attorneys At Law % Mr. Michael A. Smith (contact agent) 35th Floor, Suite 3529 Universal Bank Tower 8943 East Market Street Evansville, Indiana 47708	Phone (812) 555-1212 FAX (812) 555-1212
---------------------	--	--

### 3 Property Owner Information:

Provide sufficient property owner information to allow Department staff to contact the owner(s) by mail. Include the following information:

#### 3-1 Name and Address:

- A. If the applicant(s) own the property on which the project will be or has been constructed, state that the property is owned by the applicant(s) and provide the property owner(s) name(s), i.e. the applicant(s), as shown on the deed or title, on the application form.
- B. If the applicant(s) do not own the property on which the project will be or has been constructed, state that the property is not owned by the applicant(s) and provide the property owner(s) name(s), as shown on the deed or title, and the complete mailing address on the application form.
  - 1. If there are multiple owners, state the property is under multiple ownership on the application form and provide the names of all property owners, as shown on the deed or title, and their complete mailing addresses on a separate page.

#### 3-2 Right To Use And/Or Affect:

- A. If the applicant(s) do not own the property on which the project will be or has been constructed and/or the property which will be or has been affected by the project, submit a copy of the legal document(s) giving the applicant(s) the right to use and/or affect the property with the application.

#### 3-3 Example Property Owner Information:

- A. Single Applicant - Property is owned by the applicant
  - 1. Application Form The property is owned by the applicant
 

Owner : John A. Peters
- B. Single Applicant - Property is under single ownership by someone other than the applicant
  - 1. Application Form The property is not owned by the applicant
 

Owners : John A. and Amanda G. Troyer, husband and wife  
3591 US 31 South  
Seymour, Indiana 47274

## 4 Public Notice:

Provide evidence that public notice has been provided to all adjacent property owner(s) according to the provisions contained in the Procedures Governing Certain Licenses Act and the Public Hearings Rule.

### 4-1 General:

- A. The applicant or authorized agent must provide the Department with a public notice summary on the "Affirmation of Personal Service, 1st Class Mail Service, or Certified Mail Service" form N-4 which is provided with the application. The form may be photocopied for listing additional notified property owner(s).

### 4-2 Notified Party(s):

- A. Provide the name(s) and complete mailing address(es) of all notified property owner(s) on Department form N-4.
  - 1. If the project site is owned by someone other than the applicant, provide the name(s) and complete mailing address(es) of the property owner(s).

### 4-3 Public Notice:

- A. The Procedures Governing Certain Licenses Act and the Public Hearings Rule require that the public notice document include information on the overall project scope and the legal rights of the noticed party(s). Specifically, the document must contain:
  - 1. the applicant's name, address and telephone number;
  - 2. the agent's name, address and telephone number (if applicable);
  - 3. the stream or lake name;
  - 4. the project description;
  - 5. the project location;
  - 6. the relevant statute and/or rule;
  - 7. the name, address and telephone number of the person to contact if questions arise regarding the project; and
  - 8. instructions for:
    - a. petitioning for an informal public hearing;
    - b. requesting notice of the Department's initial determination; and
    - c. appealing the Department's initial determination.
- B. To ensure that the applicant's notice contains the required information, the Department provides an example public notice document with the application packet, form N-2.

### 4-4 Method of Service:

- A. On the Department form, indicate the method of service used to notify each property owner and the date on which the service was provided. The method may be varied between owner(s) dependent upon the level of documentation the applicant believes is warranted.

#### 1. Personal:

If public notice was given to a property owner in person or by telephone, mark the "personal service" box and state the service date.

## 2. 1st Class Mail:

If a property owner was notified by 1st class mail, mark the "1st class mail service" box and state the service date. As proof of notice to the owner, submit the "Certificate of Mailing", Postal Service Form 3817 stamped with the mailing date to the Department. By indicating service by 1st class mail, affirmation is being given that 21 days have passed since the mailing date and the notice was not returned as undelivered or undeliverable.

## Certificate of Mailing - Postal Form 3817

<b>U.S. POSTAL SERVICE</b> <b>CERTIFICATE OF MAILING</b> MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL. DOES NOT PROVIDE FOR INSURANCE—POSTMASTER		Affix fee here in stamps or money order and post mark. Invoice of Postmaster for current fee.
Reason For: _____ _____ _____		
One piece of ordinary mail addressed to: _____ _____ _____		
PS Form 3817, Mar. 1989		

## 3. Certified Mail:

If certified mail was used to notify a property owner, mark the "certified mail service" box and state the service date. As proof of notice, submit the "Domestic Return Receipt", Postal Service Form 3811, (commonly known as the "green card"), signed by the property owner to the Department.

## Domestic Return Receipt - Postal Form 3811

<b>SENDER:</b> • Complete items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the package, or on the back if space does not permit. • Write "Return Receipt Requested" on the package before the origin number. • The Postmaster will check to see that the return receipt is attached and the card is returned.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery (Contact postmaster for fee.)	
3. Article Description (in): _____ _____ _____		4a. Article Number: _____	
4b. Service Type: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise		7. Date of Delivery: _____	
5. Signature (Addressee): _____		6. Addressee's Address (Only if requested and fee is paid): _____ _____ _____	
8. Signature (Agent): _____		Thank you for using Return Receipt Service.	
PS Form 3811, December 1981 U.S. POSTAL SERVICE DOMESTIC RETURN RECEIPT			

- B. The Public Hearings Rule states that expenses incurred due to the applicant's public notice are the applicant's responsibility.

**Example Public Notice - Page 1**

## Public Notice

Form N2

March 2, 1968

Executive Order 14-114 was enacted to ensure that affected persons are notified in a timely manner of their opportunity to present their views to the Department of Natural Resources prior to action.

[illegible]

Due to your proximity to the project site, you are considered to be an adjacent property owner. Therefore, notice is being provided in accordance with the provisions of IC 14-11-4 and IC 14-2-2.

Applicant's Name, Address, and Telephone

Agency Name, Address, and Telephone

Mr. Paul E. Johnson  
R R 2, Box 48  
Landerhill, IN 47802  
(812) 848-1212

Sherrill Co. Little House \_\_\_\_\_ Money Creek

Project Description and Location: Due the attached street

**Check relevant States or Fields:**

- ☐ Food Control Act, IC 14-28-1  
☐ Labor Protection Act, IC 14-28-2  
☐ Tax Act, IC 14-28-3  
☐ Criminal Act, IC 14-28-4  
☐ Revised Criminal Code, IC 14-28-5

the differences and primary control will be highlighted as appropriate.

Paul E. Smith, P.E.  
Smith & Associates, Inc.  
317 East Pittsburgh Avenue  
Greenwood, IN 46143  
(317) 539-1212

You may request an in-person public hearing, pre-ADIPA (Administrative Orders and Proceedings Act) hearing. On this application by filing a petition with the Director of Public Administration, 1100 2nd Street, NW, Suite 200, Washington, DC 20004. The petition must conform to the following requirements:

u) This section establishes the requirements for a petition to request a public hearing under IC 14-11-4-b(3)(2).

The position stated includes the stipulations of at least twenty-five (25) individuals who are at least eighteen (18) years of age and who reside in the county wherein the licensed activity would take place or who own real property within one (1) mile of the site of the proposed activity.

**Example Public Notice - Page 2**

- (c) The complete mailing addresses of the petitioner(s) shall be typed or printed legibly on the petition.
- (d) Each individual who signs the petition shall affirm that the individual qualifies under subsection (b).
- (e) The petition shall identify the application for which a recall, initiative, or referendum applicant number or by the name of the subject matter is sought, either by

A first AOPA public hearing on the application will be limited to the Department's authority under the permitting statutes. Only the issues relevant to the Department's jurisdiction directly related to this application for construction will be addressed. Under permitting statutes, the Department has no authority in zoning, local drainage, burning, traffic safety, etc.; therefore, topics beyond the Department's jurisdiction will not be discussed during the public hearing.

You may also request that the Department notify you in writing when an initial determination is made to issue or deny the permit. Following the receipt of the post action notice, you may request administrative review of the determination by the Natural Resources Commission under IC 14-21-5 and 310 IAC 0-6.

A request for a pre-AOA public hearing or notice of initial determination should be addressed to  
 Permit Administration Section

Division of Water  
Department of Natural Resources  
402 West Washington Street Room W2064  
Indianapolis, Indiana 46204-2740  
Telephone (317) 231-5415

The Department's jurisdiction under the Flood Control Act is confined to the floodway of the stream and its review limited to the following criteria:

(a) To be approvable a project must demonstrate that it will:

- (a) to so appreciable a project must demonstrate that it will:
- (i) not adversely affect the efficiency or utility, defined as the project will not result in an increase in flood stages of more than 0.14 feet above the base 100-year regulatory flood elevation;
- (ii) not constitute an unreasonable hazard to the safety of life or property; defined as, the project will not result in either of the following during the regulatory flood: (1) the loss of human life, (2) damage to public or private property to which the applicant has neither ownership nor a flood easement;
- (iii) not result in unreasonable detrimental effects upon fish, wildlife or botanical resources. Additionally, the Department must consider the cumulative effects of the above items.

The Department's jurisdiction under the Lakes Preservation Act is confined to the area at or seaward of the shoreline of the lake and any impact which the project may have on

- (a) the natural resources and/or scenic beauty of the lake,
- (b) the water level or contour of the lake below the shoreline,
- (c) fish, wildlife or botanical resources

As noted above, the Department's jurisdiction is limited to the area at or seaward of the shoreline of the lake.



# Example Public Notice - Attachment

Public Notice attachment for Mr. Paul E. Johnson's project

## Description:

Approximately 200' of Honey Creek's eroded streambank will be stabilized with end dumped riprap placed over a geotextile fabric to protect the bank from further erosion. The riprap will be keyed into the streambed at its base and will conform to the existing bank at the project limits. It will have a maximum height of 6', a maximum streamward projection of 2' beyond the existing bank, and 1:1 slopes.

## Location:

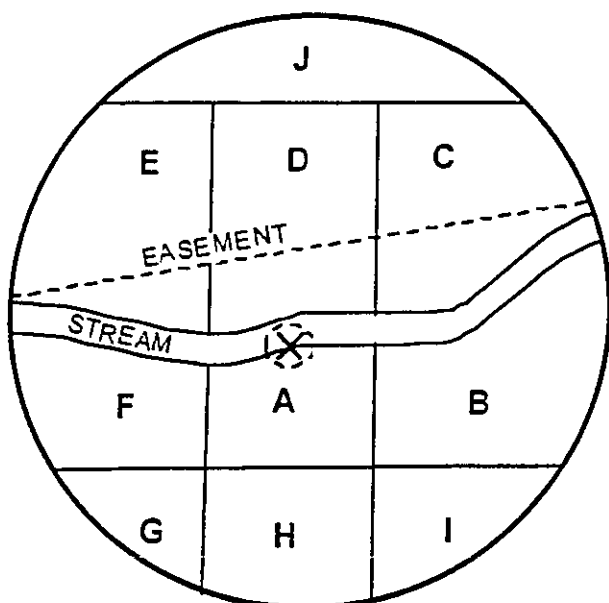
Along the left (south) bank of Honey Creek beginning 50' west of County Road 150 N and continuing downstream for approximately 200' near Landenville, Roosevelt Township, Ripley County.

NE 1/4, SE 1/4, SW 1/4, Section 24, Township 13 N, Range 13 E, Landenville Quadrangle

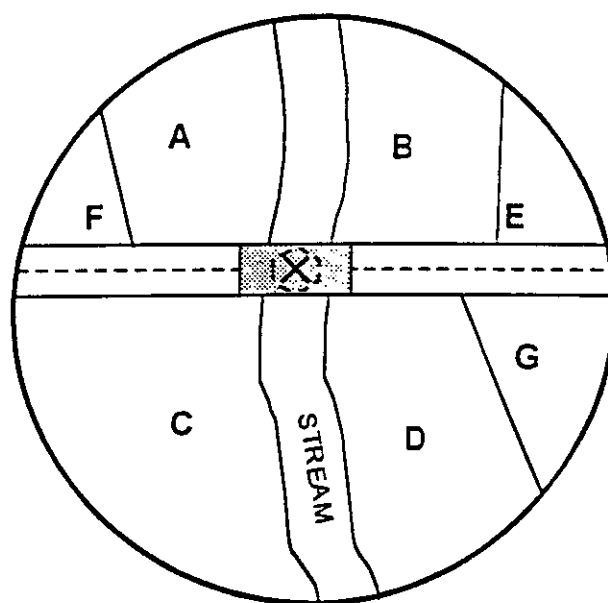
# Example "Affirmation of Personal Service ..." Form

<p>I have provided public notice to the listed property owners in accordance with the provisions of IC 14-11-4 and 316 IAC 6.6 through the method indicated below. (Check the appropriate box. Please make copies of this blank page if additional pages are required)</p>	
<p><b>Mr. Fred A. Roberts</b>          Property Owner (if not applicant or adjacent landowner)          R.R. 2, Box 65          Address          Landenville, IN 47603          City State Zip Code</p>	<p><input type="checkbox"/> Personal Service was provided on _____ (date)  <input checked="" type="checkbox"/> 1st Class Mail Service was provided on 1/15/98 (date) affirm that 21 days have passed without the mailing returned as undelivered or undeliverable. PS Form 3817 is attached as proof of mailing.  <input type="checkbox"/> Certified Mail service was provided on _____ (date) PS Form 3811 (green card) is attached as proof of mailing.</p>
<p><b>Mr. James K. Hardisty</b>          Adjacent Landowner          R.R. 2, Box 65          Address          Landenville, IN 47603          City State Zip Code</p>	<p><input type="checkbox"/> Personal Service was provided on _____ (date)  <input checked="" type="checkbox"/> 1st Class Mail Service was provided on 1/15/98 (date) affirm that 21 days have passed without the mailing returned as undelivered or undeliverable. PS Form 3817 is attached as proof of mailing.  <input type="checkbox"/> Certified Mail service was provided on _____ (date) PS Form 3811 (green card) is attached as proof of mailing.</p>
<p><b>Mr. Michael L. Bellinger</b>          Adjacent Landowner          R.R. 2, Box 41          Address          Landenville, IN 47603          City State Zip Code</p>	<p><input type="checkbox"/> Personal Service was provided on 1/15/98 (date)  <input type="checkbox"/> 1st Class Mail Service was provided on _____ (date) affirm that 21 days have passed without the mailing returned as undelivered or undeliverable. PS Form 3817 is attached as proof of mailing.  <input type="checkbox"/> Certified Mail service was provided on _____ (date) PS Form 3811 (green card) is attached as proof of mailing.</p>
<p><b>Mrs. Kathryn B. Anderson</b>          Adjacent Landowner          R.R. 2, Box 27          Address          Landenville, IN 47603          City State Zip Code</p>	<p><input type="checkbox"/> Personal Service was provided on _____ (date)  <input type="checkbox"/> 1st Class Mail Service was provided on _____ (date) affirm that 21 days have passed without the mailing returned as undelivered or undeliverable. PS Form 3817 is attached as proof of mailing.  <input checked="" type="checkbox"/> Certified Mail service was provided on 1/25/98 (date) PS Form 3811 (green card) is attached as proof of mailing.</p>
<p><b>Adjacent Landowner:</b>          Address          City State Zip Code</p>	<p><input type="checkbox"/> Personal Service was provided on _____ (date)  <input type="checkbox"/> 1st Class Mail Service was provided on _____ (date) affirm that 21 days have passed without the mailing returned as undelivered or undeliverable. PS Form 3817 is attached as proof of mailing.  <input type="checkbox"/> Certified Mail service was provided on _____ (date) PS Form 3811 (green card) is attached as proof of mailing.</p>

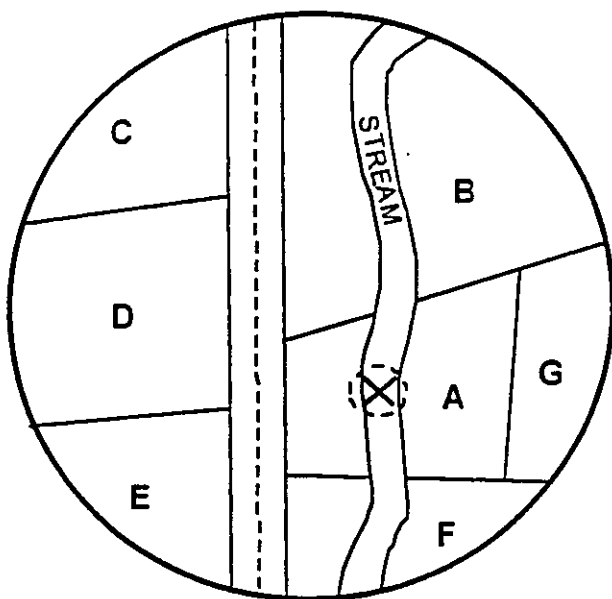
# EXAMPLES OF ADJACENT PROPERTIES for construction in a floodway



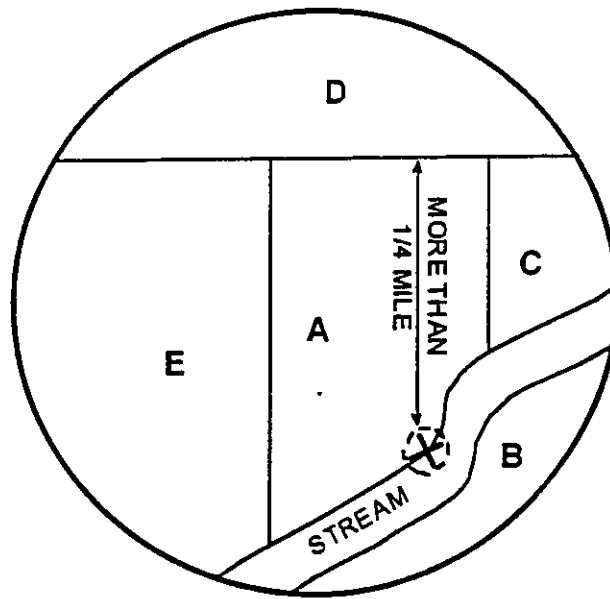
If X is the project site, notify A (if not the same as applicant), B, C, D, E, F, G, H, and I.



If X is the project site, notify A, B, C, and D.

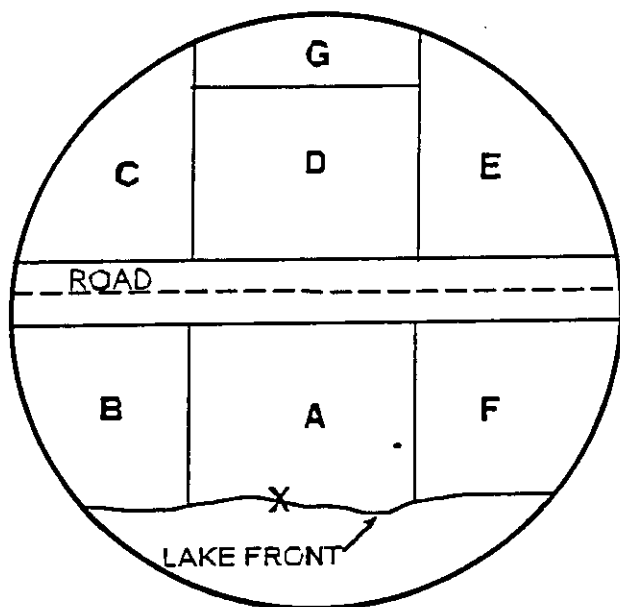


If X is the project site, notify A (if not the same as applicant), B, D, E, F, and G.

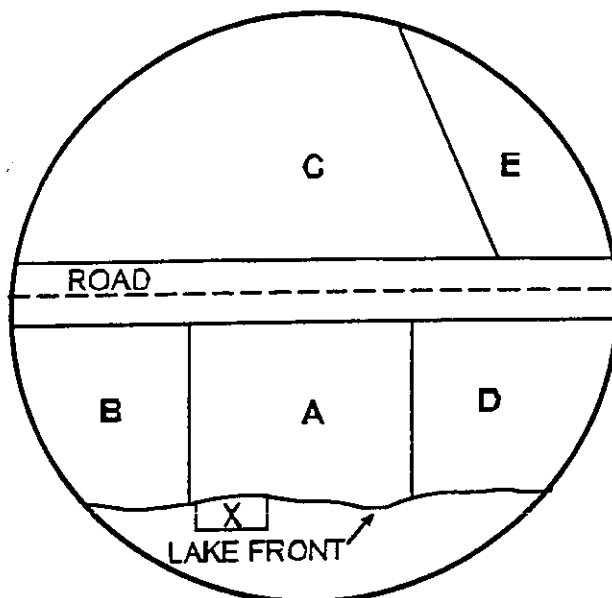


If X is the project site, notify A (if not the same as applicant), B, C, and E. Do not notify D since the shared boundary line is in excess of 1/4 mile from project site.

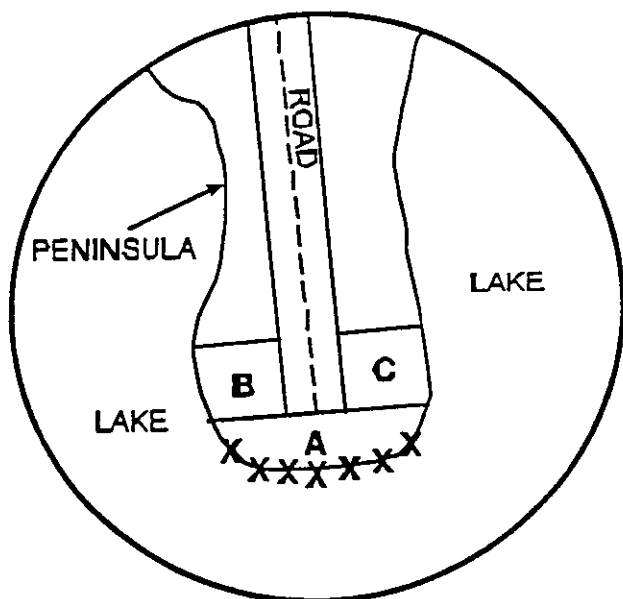
# EXAMPLE OF ADJACENT PROPERTIES for construction on public fresh water lakes



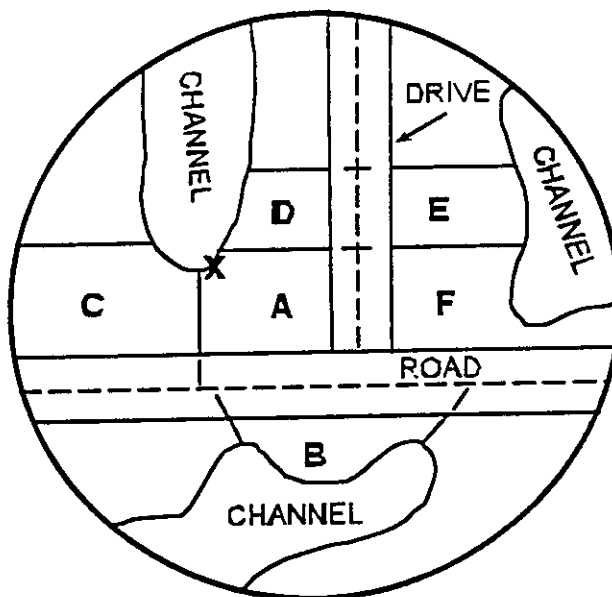
If X is the project site, notify A (if not the same as applicant), B, C, D, E, and F.



If X is the project site, notify A (if not the same as applicant), B, C, and D.



If X is the project site area, notify A (if not the same as applicant), B, and C.



If X is the project site, notify A (if not the same as applicant), B, C, D, E, and F.

## 5 Project Description:

Provide sufficient project description information to allow Department staff to visualize the project without referring to the plans and specifications. Include the following items:

### 5-1 Description Narrative:

A. Provide a narrative statement outlining the project scope. The narrative must include:

1. an introductory statement on the overall project scope;
2. the reason or necessity for the project;
3. a description of each major component, including but not limited to the:
  - a. type;
  - b. location;
  - c. dimensions;
  - d. whether or not the component is new construction or an existing element; and
  - e. elevations (if applicable);
4. information relative to any additional material submitted.

### 5-2 Example Project Descriptions By Application Type:

A. Contruction In A Floodway:

#### 1. Bank Protection

Approximately 250' of Eagle Creek's eroded streambank will be stabilized with end dumped riprap placed over a geotextile fabric to protect the bank from further erosion. The riprap will be keyed into the streambed at its base and will conform to the existing bank at the project limits. It will have a maximum height of 5', a maximum streamward projection of 2' beyond the existing bank, and 1:1 sideslopes. Plans, specifications and color photographs are enclosed in the application package.

#### 2. Bridge

A bridge will be constructed over Indian Creek to carry Oakmont Avenue across the stream. The structure will be a 3-span continuous prestressed concrete I-beam bridge with span lengths of 50', 65', and 50'. The structure will have an out-to-out length of 165' and a clear roadway width of 42'. The spill through abutments will have 2:1 sideslopes armored with limestone riprap placed over a geotextile fabric. The abutments and piers will be skewed 15° to align with streamflow. The approach roads will be elevated a maximum of 3.5' above the existing grade. Plans, specifications and color photographs are enclosed in the application package.

#### 3. Channel Realignment

Approximately 1,450' of the Ransfield Creek channel will be realigned to reduce residential flood damage. The new channel will be approximately 890' long. It will be 3' deep, with an 8' bottom width and 2:1 sideslopes. A sediment trap will be constructed at the downstream end of the new channel. The trap will be 1½' deep, 50' long and as wide as the new channel bottom. The channel will be excavated "in the dry" and will not be connected to the existing channel until the excavation has been stabilized. Material excavated from the construction of the new channel will be stockpiled for later use as fill for the old channel. If additional fill material is required it will be brought onsite from an outside source. Plans, specifications and color photographs are enclosed in the application package.

#### 4. Culvert

The existing 9' x 6' x 65' corrugated metal pipe culvert carrying Prairie Drive over Kelly Creek will be replaced with a new culvert system to reduce upstream flood damages. The new crossing will consist of a 12' x 8' x 100' long concrete box culvert set in concrete headwalls. The new culvert will have an upstream and downstream invert of 831.9 ft, NGVD and 831.5 ft, NGVD respectively. The inlet end of the culvert will be beveled. The culvert and headwalls will be skewed 15° to align with streamflow. Minor channel shaping will occur both downstream and upstream of the new culvert to improve the flow transition at the crossing. The shaping will be confined to the construction right-of-way. The reshaped areas will be stabilized with an 18" thick layer of limestone riprap placed over a geotextile fabric. The roadway will be elevated approximately 1½' above the existing road elevations. The crown of the roadway over the new culvert will be at 840.0 ft NGVD. Plans, specifications and color photographs are enclosed in the application package.

#### 5. Fill

A 200' x 300' area will be filled in the east floodplain of Lick Creek for the expansion of an existing parking lot. The fill will vary in depth from 6" on the landward side to approximately 4' on the streamward side. It will be set 50' back from the top of the bank and will have 3:1 sideslopes. The fill's finished elevation will be 783.5 ft, NGVD. The expanded parking lot will be constructed on top of the completed fill. The fill material will be obtained by excavating a borrow pit approximately 100' south of the proposed fill area. The pit will be approximately 100' x 120' with an average depth of 10'. Plans, specifications and color site photographs are enclosed in the application package.

#### 6. Levee Repair

Approximately 600' of an existing, flood damaged, agricultural levee along the west bank of the White River will be repaired to its original condition to minimize future crop losses. The levee's original height of 8' to 10', top width of 8', and 3:1 sideslopes will be maintained in the reconstructed segment. Color photographs, plans and construction specifications are enclosed in the application package.

#### 7. Outfall Structure

A stormwater outfall structure will be constructed near Eagle Creek to improve drainage from the Gatewood Subdivision which is located landward of the floodway. A 24" reinforced concrete outfall pipe will be buried to a depth of 5' in the floodplain. The 200' long pipe will carry stormwater from the residential area to the creek. The pipe will terminate with a concrete end section that will conform to the bank slope. An energy dissipator will be constructed at the base of the end section. The dissipator will consist of a concrete slopewall and 40 yd<sup>3</sup> of end dumped riprap placed over a geotextile filter fabric. Color photographs and plans are enclosed in the application package.

### B. Public Freshwater Lake

#### 1. Boat Ramp

A concrete boat ramp will be constructed along 15' of the applicant's 100' frontage at Westler Lake to provide enhanced recreational access. The ramp will extend approximately 50' lakeward of, and will conform to, the lake's legal shoreline. Plans and color photographs are enclosed in the application package.

## 2. Dredging - Channel

An existing 50' wide, 200' long channel off Lake Tippecanoe will be restored to its original condition to improve navigation. Approximately 3' of accumulated muck and debris will be removed from the channel bed by dredging to a depth of 6' below the lake's legal level at the center of the channel and sloping uniformly to a depth of 3' at the shoreline. The excavated material will be transported to an upland containment area for dewatering and disposal. Water from the containment area will not be allowed to return to the lake. Color photographs, plans and specifications are enclosed in the application package.

## 3. Dredging - Lakebed

An existing 40' wide channel along the north shore of High Lake will undergo maintenance dredging along 300' of the shoreline to improve navigation. Approximately 1' of accumulated muck and debris will be removed from the lake bed by dredging to a depth of 4' below the lake's legal level at distance of 40' from the shoreline and uniformly sloping back to the lake's legal level at the shoreline. The excavated material will be transported to an upland containment area for dewatering and disposal. Water from the containment area will not be allowed to return to the lake. Plans, specifications and color photographs are enclosed in the application package.

## 4. Seawall

A seawall will be constructed along the frontage of Lot 22, Harbor Cove addition at Simonton Lake to deter further shoreline erosion. The wall will be composed of 2" to 12" diameter glacial stone and will be approximately 120' long. Its lakeward face will be at the lake's legal shoreline. Plans and color photographs are enclosed in the application package.

## 5. Seawall Reface

An existing concrete seawall will be refaced across a portion of the applicant's 102' frontage in the Sunset Vista addition at Webster Lake to prevent further deterioration. The refacing will begin at the eastern property line and will extend west for 52'. It will consist of reinforced, poured in-place concrete which will be tied to the existing wall with steel reinforcing rods. The refacing will have a maximum thickness of 12" and will be sloped on the lakeward side. A 12" wide layer of glacial stone will be placed at the base of the wall for toe protection. Plans and color photographs are enclosed in the application package.

## 6. Underwater Beach

An underwater beach will be constructed in front of 327 EMS Lane 9 on Cedar Lake to provide an area suitable for swimming. The beach will consist of a 4" to 6" thick layer of 7/64" clean, washed pea gravel placed directly on the lakebed. The beach will begin approximately 40' east of the western property line and will extend easterly across 30' of the 100' frontage. It will have a maximum lakeward projection of 25'. Color photographs and plans are enclosed in the application package.

## 6 Project Location:

Provide sufficient project location information to allow Department staff to locate the site on a map and drive directly to it. Include the following items:

### 6-1 Location Narrative:

A. Provide a narrative statement detailing the location of the project. Include the following:

1. bank or shoreline;
2. stream or lake name;
3. project limits;
4. nearest city or town;
5. civil township; and
6. county.

B. If available, the following information should also be provided. Some of this information may be found on the property deed, title or land survey:

1.  $\frac{1}{4}$ ,  $\frac{1}{4}$ ,  $\frac{1}{4}$  section;
2. section, grant or reserve;
3. township;
4. range; and
5. U.S. Geological Survey 7½ minute series topographic map name.

C. Example Project Locations:

1. Along the left (south) bank of Honey Creek beginning 50' west of SR 135 and continuing downstream for 900' near Bargersville, White River Township, Johnson County.

NE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 14, Township 13 N, Range 3 E, Bargersville Quadrangle

2. Along the western shoreline of Pike Lake, across the entire frontage of Lot 7, Sunblest Addition at Warsaw, Wayne Township, Kosciusko County.

NE  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 5, Township 32 N, Range 6 E, Leesburg Quadrangle

### 6-2 Driving Directions:

A. Provide driving directions to the project site from a known, easily identifiable landmark. The directions must include:

1. road names;
2. directions; and
3. distances.

B. Example Driving Directions:

1. Beginning at the intersection of State Road 37 and County Line Road, go east  $\frac{1}{2}$  mile to Morgantown Road (County Road 500 West). Turn right (south) on Morgantown Road and continue south for approximately 4 miles to Stones Crossing Road (County Road 700 North). Turn left (east) onto Stones Crossing Road and continue east for approximately  $\frac{1}{2}$  mile to the site of the proposed bridge replacement over Honey Creek.

2. Beginning at the intersection of County Road 450 North and County Road 750 East, go south 2 miles to Shore Drive. Turn right (west) on Shore Drive and continue west for approximately 1¼ miles to EMS Lane 34. Turn left (south) on EMS Lane 34 and continue south for approximately ¼ mile to 315 EMS Lane 34 (red brick house with white trim and black shutters).

### 6-3 Special Information:

- A. Convey any special information to Department staff prior to the site inspection. Typical information might include:
  1. desire to be present during the site inspection;
  2. presence of a dog or other animal at the project site; or
  3. request that staff check-in at a security station prior to entering the project site.
- B. Example Special Information:
  1. There is a guard dog on the property, please contact me to schedule the site inspection when I may be present.
  2. Schedule the field inspection with the County Surveyor.

### 6-4 Project Location Map:

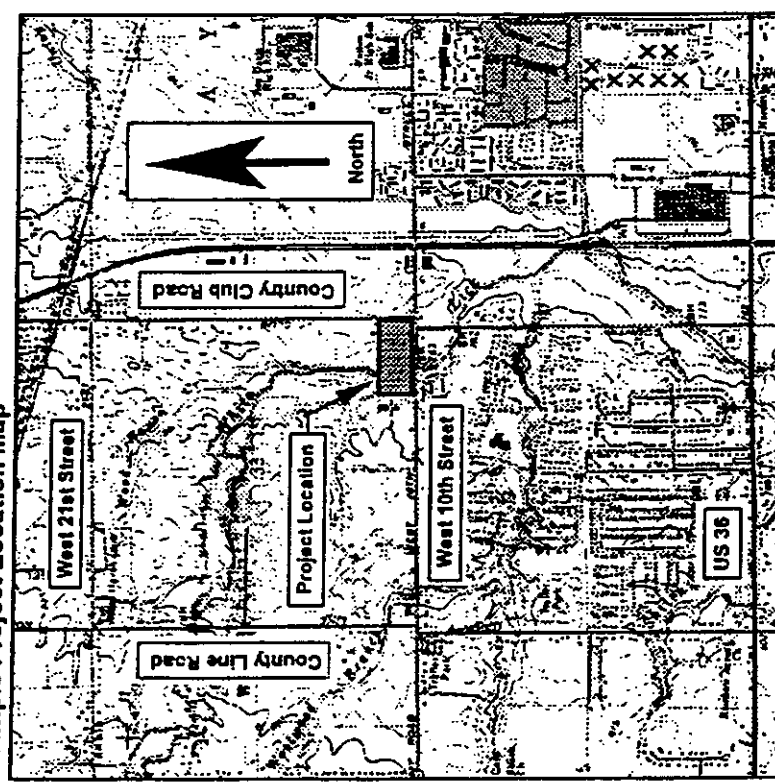
- A. Provide a map of the general vicinity around the project area so it may be located. If possible, use a U.S. Geological Survey 7½ minute series topographic map for this purpose. The map must include:
  1. title block containing:
    - a. applicant's name;
    - b. agent's name (if applicable),
    - c. project title;
    - d. date;
    - e. scale and/or scale bar;
  2. north arrow;
  3. project location; and
  4. general vicinity within ½ to 1 mile of the project location.

### 6-5 Project Site Map:

- A. Provide a map giving basic information on the project site. The project site map must be shown on the best available mapping and must include:
  1. title block containing:
    - a. applicant's name;
    - b. agent's name (if applicable),
    - c. project title;
    - d. date;
    - e. scale and/or scale bar;
  2. north arrow;
  3. clearly defined project site limits;
  4. property lines;
  5. general vicinity around the project site; and
  6. distances from roadways and/or landmarks.

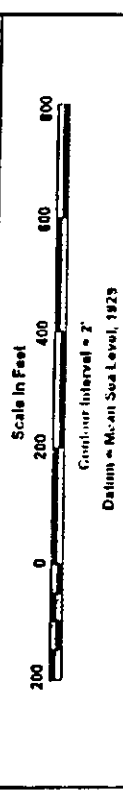
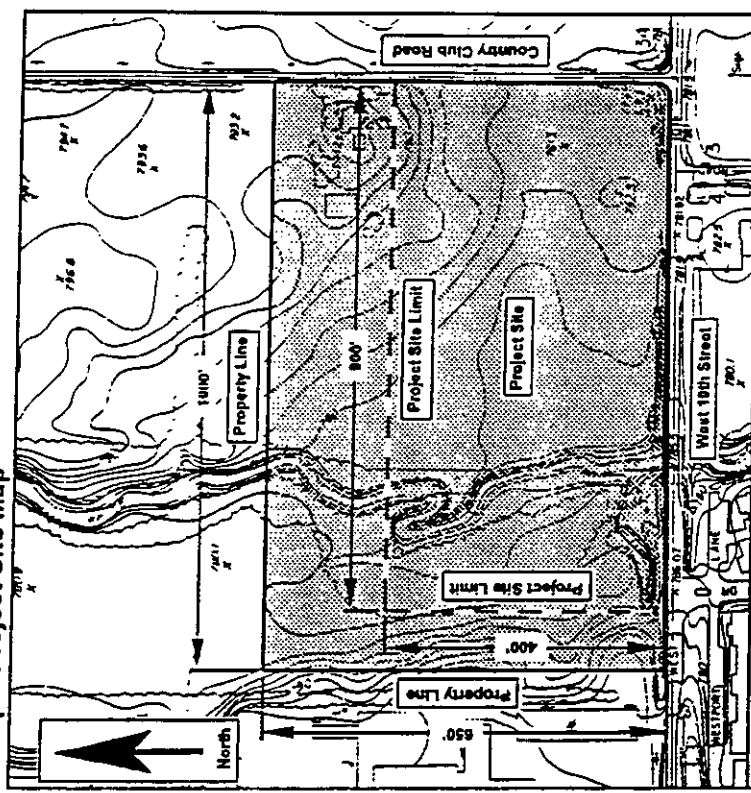


Example Project Location Map



<b>Evans Commercial Facility</b> <b>Project Location Map</b> Cremont Quadrangle	Applicant : Apex Land Development
	Agent : Site Engineering Specialists
	Date : September 24, 1995
	Scale : 1" = 2000'

Example Project Site Map



<b>Evans Commercial Facility</b> <b>Project Site Map</b> Marion County Mapping, Sheet #11-2	Applicant : Apex Land Development
	Agent : Site Engineering Specialists
	Date : September 24, 1995
	Scale : 1" = 700'

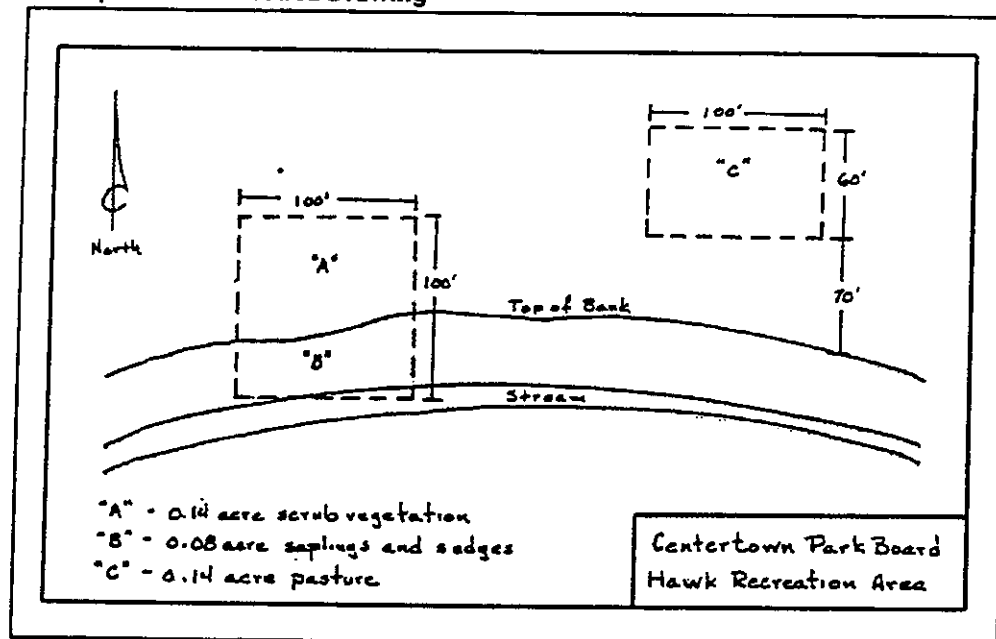
## 7 Disturbed Area Drawing:

Provide a drawing containing sufficient information to allow Department staff to visualize the area and magnitude of the land disturbing activities.

### 7-1 Drawing Requirements:

- A. The disturbed area drawing must include:
  1. delineation of the area(s) to be disturbed including:
    - a. vegetation type(s), e.g. forest, wetlands, crop field, etc;
    - b. size of the disturbed area(s);
    - c. distance(s) to the top of bank or shoreline; and
    - d. right(s)-of-way and/or property line(s).
  2. north arrow; and
  3. title block containing:
    - a. applicant's name;
    - b. agent's name, (if applicable); and
    - c. project title.

### Example Disturbed Area Drawing



## 8 Project Photographs:

Provide sufficient color photographic documentation to allow Department staff to visualize the project site and surrounding area. Include the following items:

### 8-1 Images:

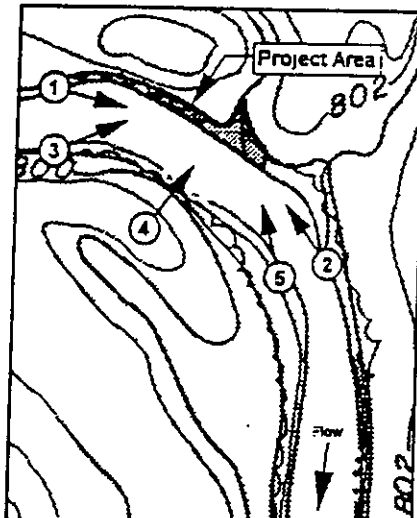
- A. Provide photographic images in one or more of the following forms:
  - 1. normal, land based, color photographic prints;
  - 2. panoramic, land based, color photographic prints;
  - 3. color photocopies of normal and/or panoramic land based, color photographic prints; and/or
  - 4. land based, color digital images.
- B. Aerial photographic prints and/or VHS videotape may be provided as a supplement to the documentation; however, they may not be used as a substitute for the land based photography.
- C. The images should be taken during the late Spring through early Fall so the vegetation may be clearly depicted. If they cannot be taken during this time period, the site must be free of snow and ice cover.

### 8-2 Photo Orientation Map:

- A. Provide a simplified map detailing the location and orientation of each image. The map, sized to cover the project site and surrounding area, must include the following:
  - 1. title block containing:
    - a. applicant's name;
    - b. agent's name, (if applicable);
    - c. project title;
    - d. date;
  - 2. number and orientation of each image;
  - 3. north arrow; and
  - 4. flow direction, (if applicable).
- B. Maps detailing the quantity, orientation and subject matter of the photographs required for various project types have been included later in this section. They are presented for overall guidance, project conditions may necessitate some variation from the information shown. The applicant must exercise judgment when selecting the number and orientation of the actual site images.

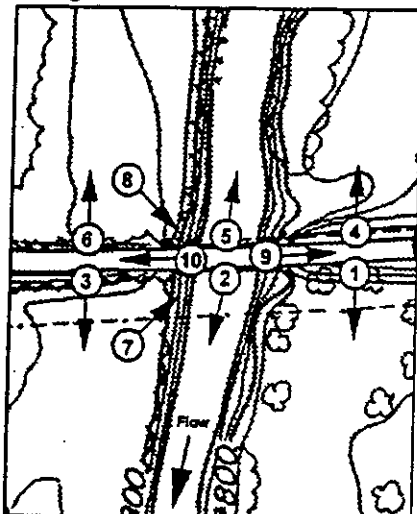
### 8-3 Photo Documentation:

- A. Mount the images on 8½" x 11" white bond paper with no more than 3 images per sheet. Describe the parameters and content of each image through a narrative statement placed on the page on which the image is mounted. The statement must include each of the following:
  - 1. image number (as shown on the orientation map);
  - 2. direction taken;
  - 3. date taken; and
  - 4. statement on the image's content.
    - a. include any special information to be brought to the Department's attention.

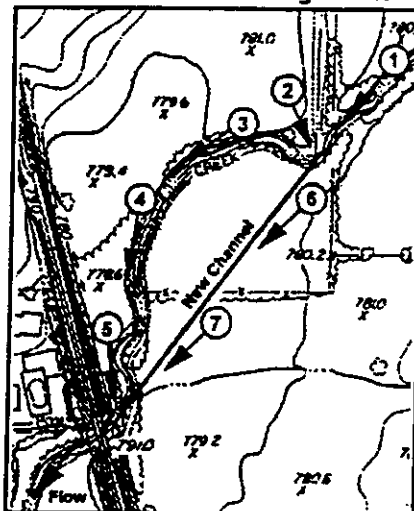
**Bank Protection****# Photo Taken From**

- 1 Upstream of the project looking downstream at the area to be protected
- 2 Downstream of the project looking upstream at the area to be protected
- 3 Opposite bank looking across at the upstream portion of the area to be protected
- 4 Within the project reach on the opposite bank looking across at the area to be protected
- 5 Opposite bank looking across at the downstream portion of the area to be protected

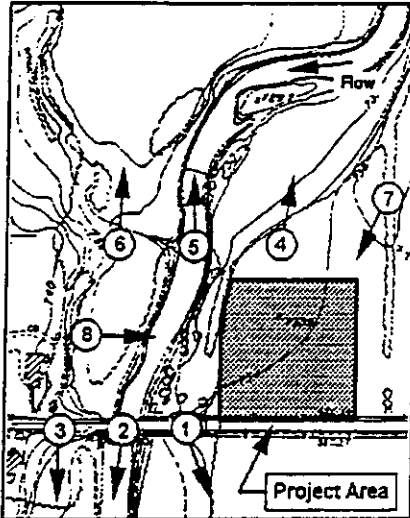
Note: The photograph taken within the project reach along the area to be protected (4) should be repeated at sufficient intervals to fully characterize the site conditions

**Bridge or Culvert****# Photo Taken From**

- 1 Roadway in the left floodplain looking downstream at the left floodplain
- 2 Structure looking downstream at the channel
- 3 Roadway in the right floodplain looking downstream at the right floodplain
- 4 Roadway in the left floodplain looking upstream at the left floodplain
- 5 Structure looking upstream at the channel
- 6 Roadway in the right floodplain looking upstream at the right floodplain
- 7 Downstream floodplain looking upstream at the structure
- 8 Upstream floodplain looking downstream at the structure
- 9 Structure looking at the roadway in the left floodplain
- 10 Structure looking at the roadway in the right floodplain

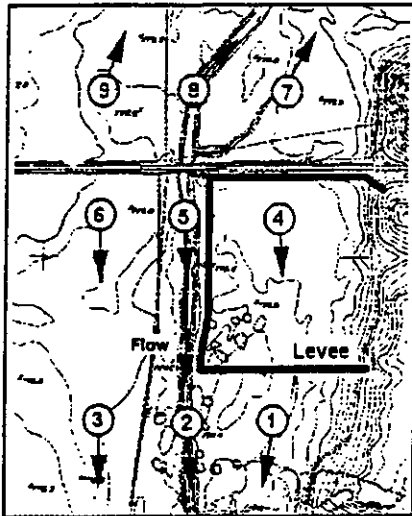
**Channel - New or Realignment****# Photo Taken From**

- 1 Upstream of the new channel looking downstream at the existing channel
- 2 Looking across at the upstream intersection of the new and existing channels
- 3 Within the project reach looking downstream at the existing channel
- 4 Within the project reach looking downstream at the existing channel
- 5 Looking across at the downstream intersection of the new and existing channels
- 6 Within the project reach looking downstream along the alignment of the new channel
- 7 Within the project reach looking downstream along the alignment of the new channel

**Fill****# Photo Taken From**

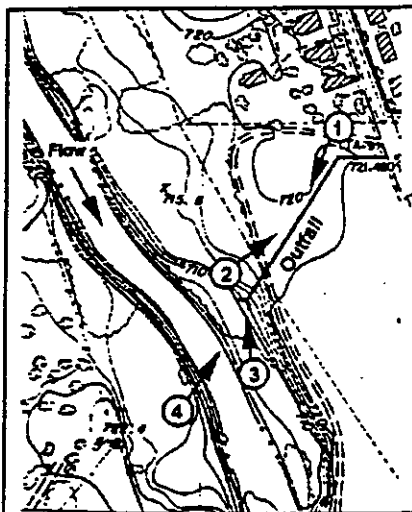
- 1 Left floodplain looking downstream at the left floodplain
- 2 Channel bank looking downstream at the channel
- 3 Right floodplain looking downstream at the right floodplain
- 4 Left floodplain looking upstream at the left floodplain
- 5 Channel bank looking upstream at the channel
- 6 Right floodplain looking upstream at the right floodplain
- 7 Floodplain looking downstream at the project site
- 8 Opposite floodplain looking across at the area to be filled

Note: The photographs taken of the project area (7, 8) should be repeated at sufficient intervals to fully characterize the site conditions

**Levee Repair****# Photo Taken From**

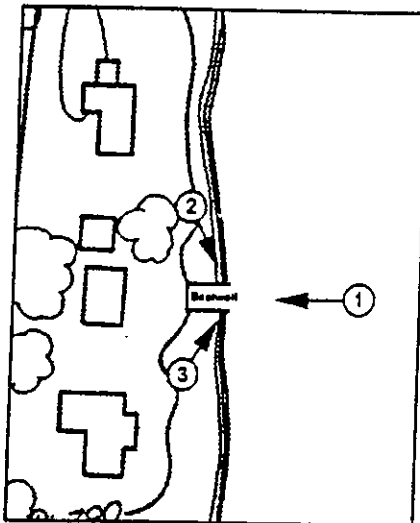
- 1 Left floodplain looking downstream at the left floodplain
- 2 Channel bank looking downstream at the channel
- 3 Right floodplain looking downstream at the right floodplain
- 4 Left floodplain looking downstream at the left floodplain within the area protected by the levee
- 5 Channel bank looking downstream at the channel along the levee
- 6 Right floodplain looking downstream at the right floodplain opposite of the levee
- 7 Left floodplain looking upstream at the left floodplain
- 8 Channel bank looking upstream at the channel
- 9 Right floodplain looking upstream at the right floodplain

Note: The photographs taken within the levee reach (4, 5, 6) should be repeated at sufficient intervals to fully characterize the site conditions

**Outfall****# Photo Taken From**

- 1 Floodplain looking toward the channel along the outfall pipe
- 2 Near the outfall structure looking away from the channel along the outfall pipe
- 3 Channel bank looking at the outfall structure
- 4 Opposite channel bank looking at the outfall structure

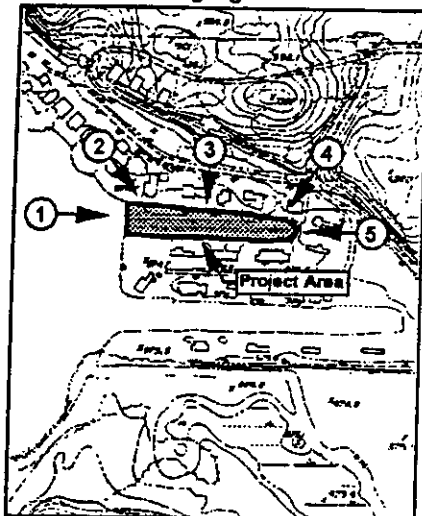
### Boat Well



#### # Photo Taken From

- 1 Lake looking at the boatwell site
- 2 Shoreline looking at the boatwell site
- 3 Shoreline looking at the boatwell site

### Channel Dredging

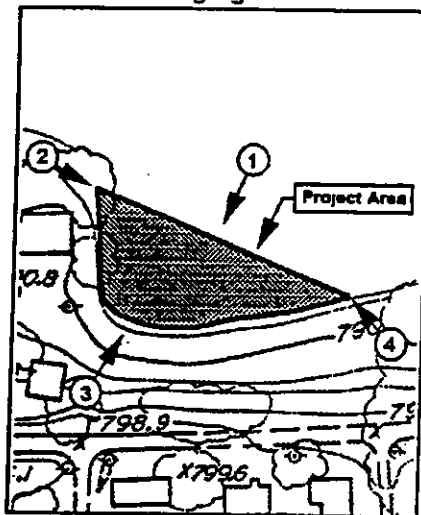


#### # Photo Taken From

- 1 Lake looking landward at the project area
- 2 Shoreline looking at the lakeward end of the project area
- 3 Shoreline looking at the project area
- 4 Shoreline looking at the landward end of the project area
- 5 End of the channel looking lakeward at the project area

Note: The photograph taken along the project area (3) should be repeated at sufficient intervals to fully characterize the site conditions

### Lakebed Dredging

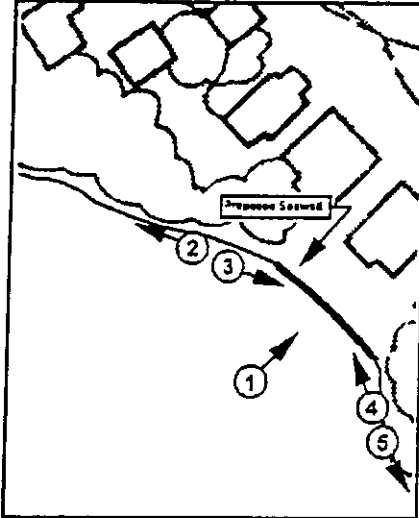


#### # Photo Taken From

- 1 Lake looking landward at the project area
- 2 Shoreline looking across at the project area
- 3 Shoreline looking lakeward at the project area
- 4 Shoreline looking across at the project area

Note: The photographs of the project area (1, 2, 3, 4) should be repeated at sufficient intervals to fully characterize the site conditions

### Seawall - New or Reface

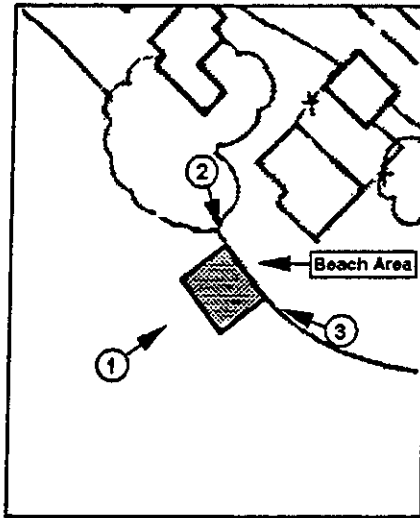


### # Photo Taken From

- 1 Lake looking landward at the seawall
- 2 Shoreline at the end of the seawall looking away from the project
- 3 Shoreline at the end of the seawall looking along the project
- 4 Shoreline at the end of the seawall looking along the project
- 5 Shoreline at the end of the seawall looking away from the project

Note: The photographs taken of the seawall (1, 3, 4) should be repeated at sufficient intervals to fully characterize the site conditions.

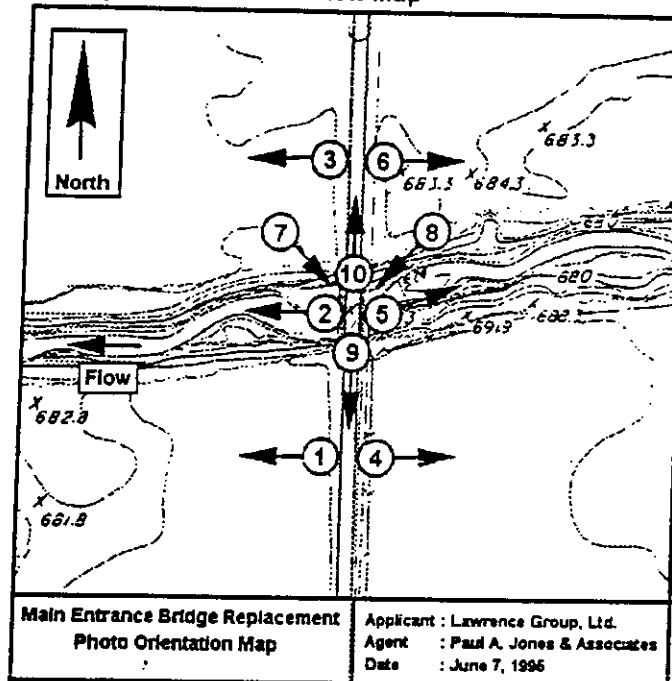
### Underwater Beach



### # Photo Taken From

- 1 Lake looking landward at the underwater beach area
- 2 Shoreline looking at the beach area
- 3 Shoreline looking at the beach area

## Example Photo Orientation Map



## Example Photo Documentation

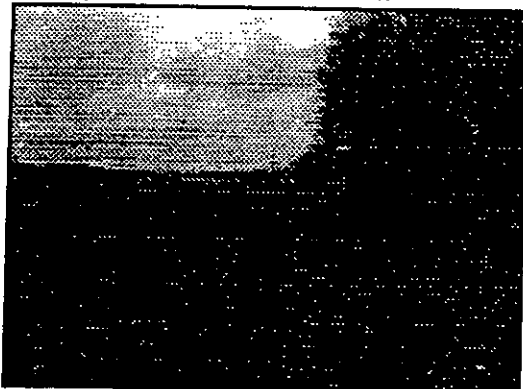


Image # : 1

Date : June 7, 1995

Direction : Taken from the roadway in the left floodplain looking west (downstream)

Description : The left downstream floodplain land use is agricultural. Crop residue from the previous growing season indicates that the field was planted in corn.

## Example Photo Documentation



Image # : 2

Date : June 7, 1995

Direction : Taken from the bridge looking west (downstream)

Description : The downstream channel is relatively clear. It is bordered by a riparian corridor consisting of a dense stand of timber and woody shrubs.

**Note: Documentation must be submitted for all photographs indicated on the orientation map.**



## 9 Related Project Information:

If applicable, provide reference number(s) used by other State and/or federal agencies for related project information and submit copies of the document(s) with the application. Typically these include, but are not limited to, Department of Natural Resources' violation letters, recommendation letters or permits, Department of Environmental Management 401 Water Quality Certifications, Corps' of Engineers public notices or permits, etc. Examples by agency are as follows:

### 9-1 Reference Number Examples:

Department of Natural Resources		
• Administrative Cause #	93-140W	
• Early Coordination #	NEPA or Private Requests Senate Enrolled Act 353 State Budget Agency	2789 SEA 10 IN-95725-350
• Recommendation #	08-950911-1	
• Related Application #	Access Channel Ditch Reconstruction Construction in a Floodway Lake Michigan Navigable Waterway Public Freshwater Lake Sand and Gravel Removal	AC-9 DR-231 FW-16,523 LM-85 NW-31 PL-14,238 SG-56
	Note: Floodway applications received by DNR prior to 03/01/93 were assigned a single letter identifier: A, B, D, F, G, L, M, R, S, T, U or X, instead of the current FW identifier.	
• Utility Exemption #	UX-95224	
• Violation #	Access Channel Dam Ditch Reconstruction Construction in a Floodway Lake Michigan Navigable Waterway Public Freshwater Lake Sand and Gravel Removal	V-0256-AC V-3412-DM V-0298-DR V-0583-FW V-1867-LM V-0176-NW V-2473-PL V-0043-SG
Department of Environmental Management		
• Section 401 #	When applicable, IDEM uses the Corps' of Engineers number, otherwise, reference is made to the applicant's name	
Corps of Engineers		
• Public Notice #	Detroit District  Louisville District	89-70-6-8901 95-146-605-0A 199400311 993000336-gdn
• Section 10 Application #	Same as the Public Notice #	
• Section 404 Application #	Same as the Public Notice #	

### 9-2 Related Project Information:

A. Submit photocopies of the applicable document(s) with the application.

# Example IDNR Recommendation Letter (page 1 only)



## INDIANA DEPARTMENT OF NATURAL RESOURCES

Division of Water  
402 W. Washington St., Rm. W264  
Indianapolis, Indiana 46204-2748  
317.232.4400  
FAX 317.233.4570

PATRICK R. BAISTON, DIRECTOR

August 28, 1995  
RLC #49-950725-1

Re: Marion - Beach Grove  
R - Flat Branch

Dear \_\_\_\_\_

Thank you for your letter of July 24, 1995 requesting information concerning a proposed residence on a tract of land along Flat Branch. Based on your description, the parcel, which lies in the NW 1/4 of Section 20, Township 14N, Range 3E, extends approximately 478 feet east of Kepp Road and also extends approximately 670 feet north of Ware Road in Indianapolis, Marion County.

Based on a computer model, the 100-year frequency flood would reach an elevation of about 815.8 feet, National Geodetic Vertical Datum of 1929 (NGVD), at the upstream limit of the tract sloping uniformly to an elevation of about 814.1 feet NGVD, at the downstream limit of the tract.

IC 14-28-1 prohibits constructing a residence in or on a floodway and requires the prior approval of the Department of Natural Resources for any other type of construction, excavation, or filling in or on a floodway. To be approvable a project should be designed so that it will not restrict the floodway, be unsafe to life and property, nor adversely affect the fish, wildlife, or botanical resources.

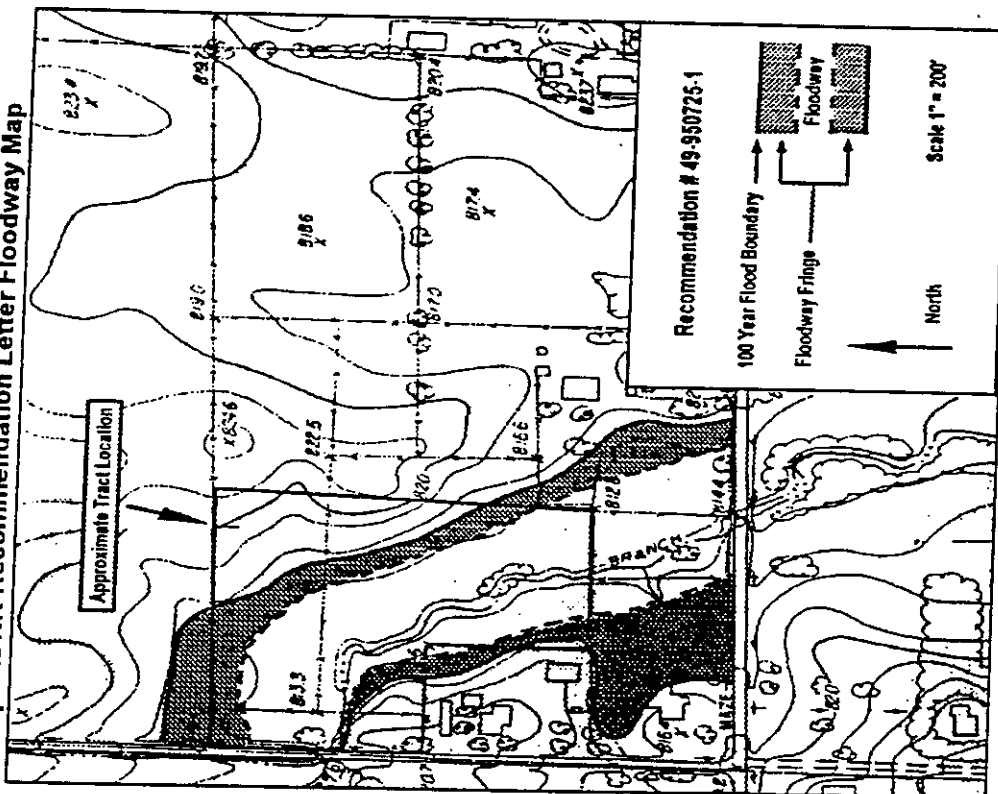
The floodway of Flat Branch passes through a portion of the tract. For your information, we have delineated the floodway in yellow on the enclosed map. No new residential construction is allowed in the floodway area and detailed plans for other types of work in the floodway should be submitted for formal approval by the Department of Natural Resources under IC 14-28-1. Permit applications and instructions are enclosed for your convenience.

The blue shaded portion of the tract outside of the floodway and below the 100-year frequency flood elevation is called the floodway fringe area. While these portions of the tract would be subject to flooding, they are not required for the conveyance of flood waters during the 100-year event; therefore, approval by the Department of Natural Resources under IC 14-28-1 for portions of the project in this fringe area is not required unless a determination is made that they are needed.

We recommend that any building which you propose in the floodway or floodway fringe, noting again that residences are prohibited in the floodway under the provisions of IC 14-28-1, be provided with a lowest floor set at least 2 feet above the 100-year frequency flood elevation. If a basement is included, the basement floor should be considered to be the lowest floor.

"EQUAL OPPORTUNITY EMPLOYER"

Example IDNR Recommendation Letter Floodway Map



Recommendation # 49-950725-1

100 Year Flood Boundary

Floodway Fringe

Floodway

North

Scale 1" = 200'

**Example IDNR Permit (page 1 only)**

STATE OF INDIANA  
DEPARTMENT OF NATURAL RESOURCES  
CERTIFICATE OF APPROVAL  
CONSTRUCTION IN A FLOODWAY

APPLICATION # PW-16-660

## THEORY

**APPLICANT:** Franklin County Board of Commissioners

**Continued**  
**Stockville, IN 47012**

**AGENT**  
: Howard J. Barth & Associates, Inc.:  
347 East Washington Street  
John Craft  
Greensburg, IN 47240

**AUTHORITY** : IC 14-28-1 with 310 IAC 6-1 and IC 14-29-1 with 310 IAC 2

[illegible]**NOTES**

at the Laurel and bridge over the stream, near Laurel, Laurel Township, Fremont County  
Mo., 964, 965. Section 36, T 12N, R 12E, Section 36  
1919 Coordinates: Southwest corner 43°25'30" north, 43°27' 00" east

**EMPLOYED BY**

**John N. Stumpson, PhD**  
**Director**  
**Division of Water**

**APPROVED ON: September 1, 1995**

1. **General Information:**  
 a. **Organization:** [Organization Name]  
 b. **Project Title:** [Project Title]  
 c. **Location:** [Location]  
 d. **Date:** [Date]

www.100.110



# **Public Notice**

100-441106-73 11/16/93  
 Person subject of advertisement and inquiry to:  
 U.S. Army Corps of Engineers, Louisville District  
 177TH Ave. David Cooper, CELINA QP1R  
 Box 80  
 Louisville, Kentucky 40201-0080  
 Closing Date 11/08/93

This notice announces an application submitted for a Department of the Environment (DOE) permit, subject to section 406 of the Clean Water Act (CWA).

APPLICANT: Mr. William Jarvia  
Indiana Department of Transportation  
Operations Support Engineer  
Beymour District  
P.O. Box 530  
Beymour, Indiana 47276

Admission ticket if guests minimize street parking at 10:00 am  
 (MILLER, M)

**Purpose:** To remove a sand bar in order to maintain the proper size waterway opening under the structure, to correct the hydraulics of the stream at this location, and to prevent further erosion of the stream bank.

**DESCRIPTION OF WORK:** The applicant proposes to remove a sand bar, regrade the slope, and place riprap on both the upstream and downstream banks. The amount of sand material to be removed from the bank is approximately 213 cubic yards (cu yd). About 150-lineal feet of steep bank on the north side, would be shaped and then stabilized with about 123 cu yds of riprap material, along the downstream side of the sand bar. The riprap material will be placed in a 10' wide section of the bank. The work would be done with a grapple loader. The sand bar material would be hauled off site by dump truck.

**REVIEW PROHIBITED:** A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied. A DA Permit, if otherwise warranted, will not be issued until a Water Quality Certification or waiver is on file at this office. The applicant is responsible for obtaining the certification from the Indiana Department of Environmental Management.

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife agencies, and their views and comments are solicited in accordance with the Fish and Wildlife Conservation Act of 1956. Based on the available information, the proposed action will not destroy or substantially reduce the productivity, growth, or recruitment of any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures under the Act and the Fish and Wildlife Service is not mandated at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be affected by issuance of the DA permit.

The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work.

**10 Authorized Signature:****10-1 Signature and Date:**

- A. The application form must be signed and dated by the applicant or an individual authorized to act on the applicant's behalf.

**10-2 Penalty:**

- A. By signing the application, the signatory is attesting under the penalty of perjury that all information stipulated on, or submitted with, the application is true, accurate and complete. This includes the public notice requirements specified by the "Procedures Governing Certain Licenses Act". IC 14-11-1.

## 11 Regulatory Fees:

The majority of the regulatory programs enacted by the General Assembly contain prescribed fees. Dependent upon the program, the fees are either assessed prior to or after action by the Department.

### 11-1 Processing Fees:

With the exception of the permitting program within the Navigable Waterways Act, all of the regulatory programs administered by the Department contain a nonrefundable processing fee. These fees must be paid in full before the Department can initiate its review of an application.

#### A. Fees By Program:

Processing Fee		
Code	Code Title	Fee
IC 14-26-2	Lakes Preservation Act	\$ 25
IC 14-26-5	Lowering of Ten Acre Lakes Act	\$ 25
IC 14-28-1	Flood Control Act	\$ 50
IC 14-29-1	Navigable Waterways Act	No fee
IC 14-29-3	Sand and Gravel Permits Act	\$ 50
IC 14-29-4	Construction of Channels Act	\$100

#### B. Multiple Permits:

If a project requires a permit under more than 1 regulatory program, the processing fee required by each program must be submitted.

- Example: If a project requires a permit under both the Flood Control Act and the Construction of Channels Act, the total processing fee required would be computed as follows:

Flood Control Act processing fee	=	\$ 50
Construction of Channels Act processing fee	=	\$100
Total processing fee required		\$150

### 11-2 Post Action Fees:

If a permit is issued under the provisions of the Sand and Gravel Permits Act, the statute requires the submission of 2 post action fees: surety bond and royalties.

#### A. Surety Bond:

The Act requires that as a condition of the permit "the permittee shall give bond in the amount and with surety approved by the Department for full and prompt compliance with the terms and conditions of the permit". The Navigable Waterways rule states that the bond must be:

- a surety bond;

- a surety bond will not be accepted unless it is issued by a company holding an applicable certificate of authority from the Indiana Department of Insurance.

2. a cash bond; or
3. a certificate of deposit.

**B. Royalty Fee:**

In addition to the surety bond, the Sand and Gravel Permits Act also requires that the Department "... collect from the permittee ... the amount of the reasonable value of the mineral or substance taken, measured by weight, cubic dimensions, or other common and usual measurements". The rule states that the royalty value "... shall be as determined by the Department ...".

There are certain occasions when the material removed from or under the bed of a navigable waterway either has little commercial value or can be used for public benefit. Under these circumstances the rule allows the Department to waive the royalty fee; however, the surety requirement remains in place. The rule states:

"An extraction is exempt ... if the mineral is authorized by the Department for placement, and actually is lawfully placed, in either of the following:

- (1) Lake Michigan, for beach nourishment.
- (2) A landfill, as defined in IC 13-3-1-15".

**11-3 Payment:**

The fees prescribed by a regulatory program can be paid through any of the following methods. **Do not submit a cash payment through the mail.**

**A. For a nongovernmental entity:**

1. business check;
2. personal check;
3. cashier's check;
4. certified check; or
5. money order.

**B. For a governmental entity:**

1. governmental check;
2. personal check;
3. cashier's check;
4. certified check;
5. money order; or
6. claim voucher.

**C. Checks or money orders should be made payable to:**

- **Division of Water, Department of Natural Resources**

**D. Checks must be signed by an authorized person.**

## Application Checklist

Indicate whether or not the following material is included with the submittal. If "No" or "NA" is marked, explain why the information was not submitted on a separate sheet.

### Applicant Information:

Yes	No	NA	Has the following applicant information been included?
			• for a single applicant, the name and complete mailing address of the applicant
			• for multiple applicants, the name complete mailing address of each applicant
			• for multiple applicants, the name of the contact person
			• the complete daytime telephone number of the applicant or contact person
			• the complete FAX number of the applicant or contact person

### Agent Information:

Yes	No	NA	Has the following agent information been included?
			• for a single agent, the name and complete mailing address of the agent
			• for multiple agents, the name and complete mailing address of each agent
			• for multiple agents, the name of the contact agent
			• the complete daytime telephone number of the agent or contact agent
			• the complete FAX number of the agent or contact agent

### Property Owner Information:

Yes	No	NA	Has the following property owner information been included?
			• a statement as to whether or not the applicant(s) own the property
			• if the applicant(s) do not own the property, the name(s), as shown on the deed or title, and complete mailing address of the property owner(s)
			• if the applicant(s) do not own the property, a copy of the legal document giving the applicant(s) the right to use and/or affect the property

### Public Notice:

Yes	No	NA	Has the following public notice information been included?
			• name(s) and complete mailing address(es) of all notified property owner(s)
			• proof of public notice for each party served

### Project Description:

Yes	No	NA	Has the following project description information been included?
			• a statement on the overall project scope
			• the reason or necessity for the project
			• a description of each major project component

**Project Location:**

Yes	No	NA	Has the following project location information been included?
			• a narrative statement detailing the project location
			• the ¼, ¼, ¼ section; section, grant or reserve; township; range; and 7½ minute topographic map name
			• driving directions to the site from a known, easily identifiable landmark
			• special information regarding the site inspection
			• a project location map
			• a project site map

**Disturbed Area Drawing:**

Yes	No	NA	Has the following disturbed area information been included?
			• a disturbed area drawing

**Project Photographs:**

Yes	No	NA	Has the following project photographic information been included?
			• mounted, color, land based photographic images of the project site and surrounding area
			• aerial photo(s) and/or VHS videotape of the project site and surrounding area
			• a map depicting the location and orientation of the submitted photo(s)
			• documentation of each image submitted including the number, date, direction, and description

**Related Project Information:**

Yes	No	NA	Has the following related project information been included?
			• related project reference number(s) used by other State and/or federal agencies
			• copies of the State and/or federal document(s) related to the project

**Signature, Plans, Specifications and Regulatory Fees:**

Yes	No	NA	Has the following been provided?
			• an application form signed by the applicant or authorized agent
			• plans and/or specifications
			• a signed payment in the proper amount made payable to the Division of Water, Department of Natural Resources for the processing fee